

MT LEGISLATIVE HISTORY

Chapter 508 1987Bill (H) 219 S _____Original bill & hist. ✓ CH. Committee on JudiciaryS. Committee on JudiciaryHearing Date(s) FEB 06 ✓ CHearing Date(s) MAR 24 ✓ CFEB 21 ✓ CMAR 26 ✓ C

_____ C

_____ C

_____ C

_____ C

Date Out FEB 21 ✓ CMAR 26 ✓ CDid this bill originate in an interim committee? Yes No

Committee _____

Report _____

HOUSE BILL NO. 219

INTRODUCED BY HOLLIDAY, HANSON

IN THE HOUSE

JANUARY 15, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

FEBRUARY 23, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

PRINTING REPORT.

FEBRUARY 24, 1987 SECOND READING, DO PASS AS AMENDED.

ON MOTION, RULES SUSPENDED AND BILL
PLACED ON THIRD READING THIS DAY.

THIRD READING, PASSED.
AYES, 98; NOES, 2.

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 2, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

MARCH 26, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 28, 1987 SECOND READING, CONCURRED IN.

MARCH 30, 1987 THIRD READING, CONCURRED IN.
AYES, 50; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 7, 1987

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 8, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 HB BILL NO. 219
2 INTRODUCED BY Thelma M. Hansen
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT THE CIVIL
5 LIABILITY OF NONPROFIT ORGANIZATIONS FOR INJURIES SUFFERED
6 BY CONTESTANTS IN SPONSORED AMATEUR RODEO EVENTS; AMENDING
7 SECTION 27-1-701, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
8 DATE."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11 NEW SECTION. Section 1. Liability of nonprofit
12 organizations for injuries suffered in sponsored amateur
13 rodeo events. (1) No nonprofit organization sponsoring an
14 amateur rodeo is liable for injuries suffered by a
15 contestant as a result of his voluntary participation in a
16 rodeo event except for injuries caused by a willful, wanton,
17 or reckless act of the sponsoring organization or its
18 employees.
19 (2) For purposes of this section, a minor is
20 considered to be in voluntary participation at a rodeo event
21 if:
22 (a) he has provided written consent to participate in
23 the rodeo event; and
24 (b) the consent is approved by one of the minor's
25 parents or by his legal guardian.

1 Section 2. Section 27-1-701, MCA, is amended to read:
2 "27-1-701. Liability for negligence as well as willful
3 acts. Everyone Except as otherwise provided by law, everyone
4 is responsible not only for the results of his willful acts
5 but also for an injury occasioned to another by his want of
6 ordinary care or skill in the management of his property or
7 person except so far as the latter has willfully or by want
8 of ordinary care brought the injury upon himself."
9 NEW SECTION. Section 3. Codification instruction.
10 Section 1 is intended to be codified as an integral part of
11 Title 27, chapter 1, part 7, and the provisions of Title 27,
12 chapter 1, part 7, apply to section 1.
13 NEW SECTION. Section 4. Saving clause. This act does
14 not affect rights and duties that matured, penalties that
15 were incurred, or proceedings that were begun before the
16 effective date of this act.
17 NEW SECTION. Section 5. Severability. If a part of
18 this act is invalid, all valid parts that are severable from
19 the invalid part remain in effect. If a part of this act is
20 invalid in one or more of its applications, the part remains
21 in effect in all valid applications that are severable from
22 the invalid applications.
23 NEW SECTION. Section 6. Effective date. This act is
24 effective on passage and approval.

-End-

-2-

INTRODUCED BILL

HB-219

STATUS SHEET

50th LEGISLATIVE SESSION

JUDICIARY

COMMITTEE

HOUSE BILL NUMBER	ENTERED COM. DATE	DATE CON- SIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CON- CURRED IN DATE	BE NOT CON- CURRED IN DATE	BE CON- CURRED IN AMENDED DATE	BE NOT CONCURRE IN AS AMENDED DATE
146	1/12/87	2/6/87	2/21/87			2/21/87					
163	1/13/87	1/20/87	1/22/87	tabled							
165		2/18/87	failed to meet deadline								
167	1/13/87	1/21/87				2/19/87					
188	1/14/87	1/22/87	1/29/87	1/29/87							
192	1/14/87	1/20/87	1/22/87	2/23/87	tabled						
197	1/14/87	1/20/87	1/22/87			1/22/87					
202	1/14/87	1/22/87	1/23/87	tabled							
207	1/14/87	1/22/87	2/3/87			2/3/87					
209	1/14/87	1/21/87	2/19/87	tabled							
212	1/14/87	2/6/87	2/21/87	tabled							
219	1/15/87	2/6/87				2/21/87					
235	1/16/87	1/26/87	2/2/87	2/2/87							
236	1/16/87	1/26/87	2/14/87			2/14/87					

e a separate sheet for Senate Bills, House Bills, and Resolutions.

MINUTES OF THE MEETING
JUDICIARY COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

February 6, 1987

The meeting of the Judiciary Committee was called to order by Chairman Earl Lory on February 6, 1987, at 8:00 a.m. in Room 312 D of the State Capitol.

ROLL CALL: All members were present with the exception of Rep. Rapp-Svrcek who was absent.

HOUSE BILL NO. 212: Rep. Hanson, District No. 100, sponsor, and HOUSE BILL NO. 219, Rep. Holliday, District No. 31, sponsor, held both bills in hearing at the same time. Rep. Holliday stated because of the hardships caused by the risk of possible suits brought against a sponsoring organization, the sport of rodeo, as some of us know it, is becoming extinct. Data shows that nearly \$100,000.00 is spent within Montana during rodeos, plus another \$100,000.00 in purse money for a total circulation of nearly \$200,000.00 throughout the summer. Every rodeo association from Little Britches to the PRCA are experiencing a decline in approved rodeos because of both prohibitive cost and inavailability of insurance coverage. She submitted written testimony. (Exhibit A). HB #212 grants immunity for personal injury and property damage to certain rodeos, jackpot roping, rodeo schools, and horse shows. HB 219 limits the civil liability of nonprofit organizations for injuries suffered by contestants in sponsored amateur rodeo events. Rep. Holliday submitted the Articles, By-Laws and Official Rodeo Rules (Exhibit B), and the entry form from the National Old Timers Rodeo Association (Exhibit C). She further stated that she offers full support for HB 212.

PROPOSERS: LES GRAHAM, supported both House Bills stating that Rodeos are Montana's largest spectator sport and these types of bills are needed.

DARRELL HANSON, a member of the National Rodeo Association, supported both bills.

GINGER DECOCK, member of the National Rodeo Association, supported this type of legislation.

JUDY WAGNER, owner of a roping school, stated that liability is too high and both bills are needed.

SHIRLEY PARK, Montana Rodeo Association, high school level, supported both bills and submitted a letter from Mr. Robert

Haugland, State Director and National High School Rodeo Director for Montana. (Exhibit D). He stated these bills would help the rodeo schools and horse shows on tort immunity and civil liability.

BLAKE RUNNING, Rodeo Association, pointed out that rodeos are very important to the tourist trade. He supported both bills.

WAYNE MORFORD, representing private arena individuals and the Sage Riders Horse Club, stated he supported both bills and submitted eight pages of signatures in support of both bills. (Exhibit E-L).

BILL WILLIAMS, Vice-President of the Local Roping Club and Vice-President of the Rodeo Club, supported legislation of both bills.

CAROL MOSHER, Montana Cattlemen, submitted written testimony on HB 212, (Exhibit M), stating this type of thing affects many of their families and they think this bill might offer some help. She also submitted written testimony on HB 219 (Exhibit N), stating they must all learn to be responsible for their own actions.

OPPONENTS: KARL ENGLAND, Montana Trial Lawyers, stated it was important that everyone understood the current of the duty imposed upon the proponents of the bills and the changes the bills would make on the law. Negligence is a very flexible concept and the definition of negligence is a failure to do what is reasonable under the circumstances. The cause of action in negligence is somebody that has failed to do what is reasonable under the circumstances which then causes an injury. A person who sponsors a rodeo, or similar type of activity, has, under the current law, an obligation to do whatever a reasonable person would do under the circumstances. That is the only obligation they have. They simply have to supply the facilities which are reasonable under the circumstances. The participants of the rodeo would have reason to know what they are doing is dangerous and, by doing it, assume the risk. The rising amount of insurance causes the people to suffer. His chief concerns are: 1) the bills are devising a new standard and they do not know what the new standard is. The gross negligent standard in HB 212 is used primarily in criminal law and the wilful and wanton standard in HB 219 is something that is used in the Federal system but not used much in Montana. 2) if the bills are the result of the high cost of insurance, then they must be responsible and mandate that as a result of their actions that the insurance costs come down.

There were no further opponents.

QUESTIONS (OR DISCUSSION) ON HOUSE BILL NOS. 212 AND 219:

Rep. Darko asked Rep. Holliday if the insurance companies have said that with the passage of these bills, the rates will be frozen. Rep. Holliday stated there has not been any indication of lower rates. Rep. Darko asked her if there are any other states with this type of legislation and Rep. Holliday stated the state of Wyoming has it.

Rep. Bulger asked Mr. England if there are more problems underlined than just insurance. Mr. England stated the rodeo people do not have a list of serious problems. They have insurance rates that are too high. In fact, their insurance has gone up over 1,000%. Rep. Eudaily stated that it appeared that section 1 is the problem area and asked Rep. Hanson why they lumped everything together. Rep. Hanson pointed out that all activities take place in an arena and the primary concern is in this area. She also wanted cutting horses included in the bill.

Rep. Hanson closed the hearing by stating she believed HB 212 was simply asking for a clear definition of rodeo activities that take place. She urged support for the bill so that a sport that is Montana at its best, is not eliminated. She further stated she supported HB 219 wholeheartedly.

Rep. Holliday closed the hearing on HB 219.

HOUSE BILL NOS. 146 AND 286: Rep. Spaeth, District No. 84, sponsor, stated these bills dealt with irrigation and irrigation ditches and the liability that has arisen as a result of some of the problems encountered in the last few years. Rep. Spaeth pointed out that in HB 146, directors, officers, and other employees of private irrigation ditch operators, corporations, companies, and organizations are not civilly liable for actions and omissions within the course and scope of their employment of position, except as provided in subsection (5). The new section of the bill states this act does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this act. HB 286 states that an irrigation district or private person or entity owning or operating irrigation ditches, must keep irrigation ditches in good general repair and condition, but has no duty to:

- 1) erect fences;
- 2) install grates or other protective devices where a ditch goes underground or under a bridge or other object; or
- 3) prevent access to ditches by persons or animals.

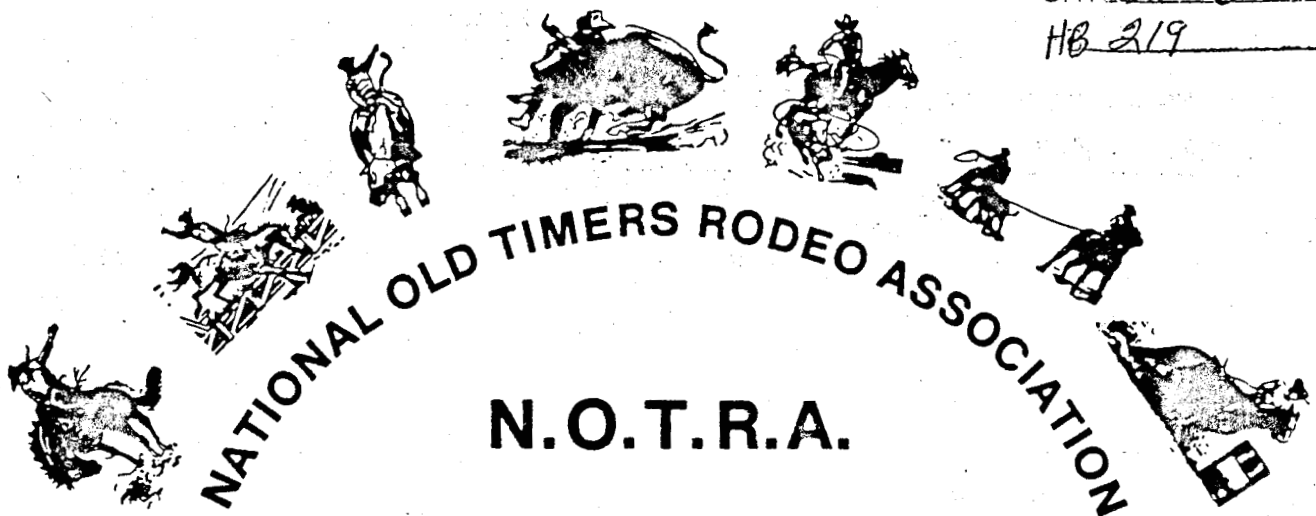
He submitted an amendment to HB 286. (Exhibit A).

DAILY ROLL CALL
JUDICIARY COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Feb. 6, 1987

NAME	PRESENT	ABSENT	EXCUSED
JOHN MERCER (R)	✓		
LEO GIACOMETTO (R)	✓		
BUDD GOULD (R)	✓		
AL MEYERS (R)	✓		
JOHN COBB (R)	✓		
ED GRADY (R)	✓		
PAUL RAPP-SVRCEK (D)		✓	
VERNON KELLER (R)	✓		
RALPH EUDAILY (R)	✓		
TOM BULGER (D)	✓		
JOAN MILES (D)	✓		
FRITZ DAILY (D)	✓		
TOM HANNAH (R)	✓		
BILL STRIZICH (D)	✓		
PAULA DARKO (D)	✓		
KELLY ADDY (D)	✓		
DAVE BROWN (D)	✓		
EARL LORY (R)	✓		



Testimony before the House
Judiciary Committee

Rep. Gay Holliday - District 31
Executive Secretary - National Old Timers Rodeo Association
N.O.T.R.A.
RE: Rodeo Liability - HB 219

Mr. Chairman and members of the committee, for the record I am
Rep. Gay Holliday, Roundup, District #31, sponsor of HB 219.

Amendment

I am also the Executive Secretary of the National Old Timers Rodeo Association, an organization that sanctions an average of 50 rodeos per year in 14 western states and two Canadian Provinces.

Because of the hardships caused by the risk of possible suits brought against a sponsoring organization, the sport of rodeo as some of us know it, is becoming extinct.

Very few wish to continue to assume the responsibility of participating when the attitude of bringing suit prevails.

We pay insurance premiums of nearly \$60,000 per year for limited coverage and feel fortunate in obtaining any coverage at all.

I have no fewer than nine sanctioned rodeos per year in the state of Montana and would have more if it weren't for the liability issue.

Contestants at each rodeo number between 300 and 450, with a vast majority of these contestants from outside the state. Therefore, the money spent is "new" money and an economic boost to each locality, such as Chinook, Absarokee, Glendive, Roundup and others.

Data shows that nearly \$100,000 is spent within Montana during these rodeos, plus another \$100,000 in purse money, for a total circulation of nearly \$200,000 throughout the summer.

We take every precaution possible and utilize safeguards such as a signed release that each contestant signs at every sanctioned National Old Timers Rodeo in every state.

Every rodeo association from Little Britches to the PRCA are experiencing a decline in approved rodeos because of both the prohibitive cost and inavailability of insurance coverage.

I believe you will hear additional testimony confirming this.

**ARTICLES, BY-LAWS
and
OFFICIAL
RODEO RULES**

EXHIBIT B

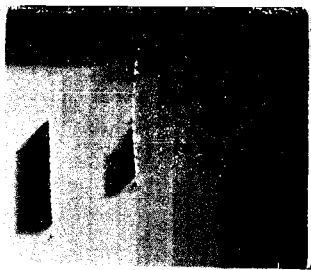
DATE Feb 8 1987

N O T R A® 1987



**NATIONAL OLD TIMERS RODEO ASSOCIATION
INCORPORATED®**

**EFFECTIVE
1987**



National Old Timers Rodeo Association

EXHIBIT C
DATE 5-2-84
HB 4-218

Name of Rodeo _____

Name _____ Age _____ NOTRA No. _____ Entry No. _____

Address _____

Preferred Performance _____ Performance Up _____

Event:

Bareback
Saddle Bronc
Bull Riding
Steer Wrestling
Calf Roping
Team Roping
Ribbon Roping
Ladies Barrel Race

Office Charge _____

Other _____

TOTAL _____

1. _____
(team roping partner)

2. _____
(ribbon roping partner)

☐ Cash ☐ Check ☐ Money Order

Secretary Signature _____

I do hereby release, acquit, and forever discharge the NATIONAL OLD TIMERS RODEO ASSOCIATION and all Rodeos approved by same, including all PRODUCERS AND RODEO COMMITTEES from all claims, demands and causes whatsoever, arising from and growing out of any personal inquiries or damages sustained by me, or to my property, by virtue of any participation as a contestant or worker, in any certain rodeo, approved by the NATIONAL OLD TIMERS RODEO ASSOCIATION, as well as any and all claims, demands, and causes of action of whatsoever kind or character, which I, or my heirs, executors, or administrators, now have or may hereafter have against the NATIONAL OLD TIMERS RODEO ASSOCIATION or any RODEO PRODUCER or MANAGEMENT at all NATIONAL OLD TIMERS RODEO ASSOCIATION approved rodeos.

I have read and fully understand the meaning and effect of this release, and do hereby agree.

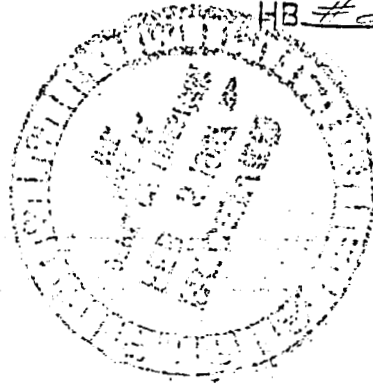
Contestant's Signature _____

The Law Library's minutes do not have Exhibit C. The Historical Society Archives house the originals. Contact them at 406-444-2681.

EXHIBIT *D*

DATE *2-6-87*

HB # *212 & #219*



February 4, 1987
4911 Biggs Haugland Rd
Belgrade Montana 59714

Dear Committeepersons:

After reading House Bills #212 and #219 that will be on the floor on Friday, I would like to have your support and vote on passing such two bills. This will help the rodeo schools, horse shows on Tort immunity and civil liability.

I have been a State High School Director for Rodeo as well as the National High School Rodeo Director for the State of Montana for several years and this needs to be done.

I donate my time and effort as do many others to help these kids and we would like to have your help so we can continue to do so.

Thank You!

Sincerely,

Robert Haugland

A handwritten signature in cursive script that reads "Robert Haugland".

State Director and National High
School Rodeo Director for Montana

EXHIBIT E
DATE 2-6-87
HR. # 219

RESIDING

Miles City, Montana

Miles City, Mont.

Mill City

Miles City -

Mile City

miles Est

Miles C. C.

Miles City

Ther. Kitz. Mt

Mule Co to Mt

Miles City - Carter Co.

Mr. O'Leary

Miles. C. Tu

Miles City O.

Buller City, Pa.

W. L. L. L.

mil. C.F.

Miss City, MT

We, the undersigned are in support of House Bill 219.
It's a good step in the right direction toward the
Insurance and Liabilities Problems of our state.

EXHIBIT F
DATE 2-6-8
HB #219

~~Norman W. McRae~~

~~Barbara Carpenter~~

~~Sammy King~~

~~Robert H. H.~~

~~W. C. Cherry~~

~~Barbara~~

~~Ernest Butler~~

~~D. Ann H.~~

~~Regina White~~

~~Angela Shuler~~

~~Allice Stagg~~

~~Cheryl York~~

~~Lorna Allison~~

~~Linda Watters~~

~~Sori McRae~~

~~Melanie Buck~~

~~Jack Jones~~

~~Edgar~~

~~Marion Roberts~~

~~Lab Heming~~

~~William J. Bauer~~

~~(Grant)~~

~~W. H. H.~~

~~White Oak~~

~~Ernest Olson~~

~~R. G. Miller~~

~~Ernest E. Hurd~~

~~Agnes E. E.~~

~~Larry~~

~~Paul~~

~~Harry~~

~~Douglas P. Moyn~~

~~Douglas~~

~~Douglas~~

We, the undersigned are in support of House Bill 219.
It's a good step in the right direction toward the
Insurance and Liabilities Problems of our state.

EXHIBIT G
DATE 2-6-87
HB #219

Carl L. Jahn
Alan C. Clarke

Donald A. Kolka

Frederic Fortune

James Adis

May D. McChesney

Veranda Howard

Judy Moyer

Bob Kestelom

Julie Brockston

Gene W. Goring

Tony Bushington

A.L. Phelps

Betty Phelps

Eve Mothershead

Mike Moullet

Ed W. Taylor

Marilyn Fortune

Harry Green

Walter Americh

Jim Donadio

Dave Clawson

Rock Swanson

Jim Phelan

Gene Robinson

Walter Sanders

Donna Redd

Clint Wood

Doug Wall

Cecil Kolka

Bill G. Lane

Frederic Fortune

James Adis

Frederic Fortune

Frederic Fortune

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Frederic Fortune

we, the undersigned are in support of House Bill 219.
It's a good step in the right direction toward the
Insurance and Liabilities Problems of our state.

312D

EXHIBIT H
DATE 2-6-87
HR #219

Steve Terin

Julius A. Jordan

John A. Jones

Paul D. Jones

John M. Jones

John B. Jones

H. M. Davis

Louis K. Alexander

Jeff Landers

Clavin Moberg

Charlotte Huber

Betsy Williams

Frank Wehling

Charles Wehling

Bob Ditzelmeier

Jack Danner

W. L. Euel

Bill Brumby

James Brown

Jackie Brown

Paul Lee

Mark Feltus

Paul Lee

Jack Chapman

**Exhibits I – M
are for HB 212.**



P.O. Box 1679
Helena, Montana 59624
(406) 442-3420

EXHIBIT N
DATE 2-6-87
HB # 219

NAME Carol Mosher BILL NO. HB 219
ADDRESS P.O. Box 1679 Helena, MT. 59624 DATE 2-6-87
WHOM DO YOU REPRESENT Montana CattleWomen
SUPPORT XX OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I Was unable to be at this hearing due to another important hearing being held at the same time.

We are in support of this type of legislation as it would help many of our families. There was probably much good testimony given in support of it. We must all learn to be responsible for our own actions.

VISITORS' REGISTER

COMMITTEE

BILL NO.

DATE _____

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MINUTES OF THE MEETING
JUDICIARY COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

February 21, 1987

The meeting of the Judiciary Committee was called to order by Chairman Earl Lory on February 21, 1987, in Room 312 D of the State Capitol.

ROLL CALL: All members were present with the exception of Rep. Hannah and Brown who were absent.

EXECUTIVE SESSION:

ACTION ON HOUSE BILL NO. 475: Rep. Lory moved to TABLE HB 475 at the request of the sponsor. A voice vote was taken and the motion CARRIED 8-5 with Rep. Strizich, Miles, Darko, Addy and Bulger dissenting.

ACTION ON HOUSE BILL NO. 478: Rep. Gould moved DO PASS. Rep. Cobb moved the amendments proposed by the subcommittee. Question was called and a voice vote was taken. The motion CARRIED unanimously. (See Amendments attached).

Rep. Mercer questioned the two-thirds vote being taken out but wondered if it still grants immunity. Rep. Cobb stated that the word immunity was still in the bill. Mr. MacMaster pointed out that the two-thirds vote would still need to be in the bill to make the district immune because currently just the employees are immune under the tort claim act. Rep. Cobb moved to put the two-thirds vote back in and strike amendment number six. The motion CARRIED unanimously. (See Amendments attached). Rep. Cobb moved that HB 478 DO PASS AS AMENDED. Question was called and a voice vote was taken. The motion CARRIED unanimously. HB 146 DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 146: Rep. Cobb moved DO PASS. He moved the amendments proposed by the subcommittee. Question was called and a voice vote was taken. The motion CARRIED unanimously. (See Amendments attached). Rep. Cobb moved DO PASS AS AMENDED. Question was called and a voice vote was taken. The motion CARRIED unanimously. HB 146 DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 566: Rep. Mercer moved DO PASS. Rep. Miles suggested that the language be tied together as defined last session as domestic abuse. Rep. Mercer moved to amend by deleting the words, "threatened to physically abuse". Question was called and a voice vote was taken.

ACTION ON HOUSE BILL NO. 212 AND 219: Rep. Cobb moved DO PASS and he moved his amendments. He stated that HB 212 has been incorporated into HB 219. Rep. Gould asked about where the horse shows have been placed and Rep. Cobb stated that they were put into SB 49. Mr. MacMaster explained that section 1 should contain the words "cowboy polo, cutting horse, o-moc-see, or jackpot roping event". Question was called and a voice vote was taken. The motion CARRIED unanimously. (See Amendments attached). Rep. Cobb moved HB 219, DO PASS AS AMENDED. Question was called and a voice vote was taken. The motion CARRIED unanimously. HB 219, DO PASS AS AMENDED. Rep. Darko moved that HB 212 be TABLED. A voice vote was taken and the motion CARRIED unanimously. HB 212, TABLED.

ACTION ON HOUSE BILL NO. 344: Rep. Bulger moved DO PASS. He stated there is some problem with the bill so the Medical Association of Montana has proposed a substitutive bill which he moved. Rep. Mercer asked if Mr. Neely agreed to the proposal 100% and Rep. Bulger stated that Mr. Neely wrote it. Rep. Mercer moved DO PASS AS AMENDED. Question was called on the substitutive bill. The motion CARRIED 11-2, with Rep. Brown dissenting and Rep. Gould abstaining.

HB 344 DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 790: Rep. Brown moved DO PASS. Rep. Darko moved to amend on page 3, line 11, striking "250" and inserting "25". Question was called and a voice vote was taken. The motion CARRIED unanimously. Rep. Brown moved DO PASS AS AMENDED. Rep. Daily stated that the bill needs limits. Rep. Brown pointed out that the bill reads "reasonable expenses" there is a two year sunset. Rep. Rapp-Svrcek moved to amend page 6, line 18, to strike "1989" and to insert "1991". Question was called and a voice vote was taken. The motion CARRIED 10-3, with Reps. Bulger, Daily and Eudaily dissenting. Rep. Mercer moved to amend section 8 by deleting it in its entirety. Question was called and a voice vote was taken. The motion CARRIED unanimously. (See Amendments attached). Rep. Brown moved that HB 790 DO PASS AS AMENDED. Question was called and a voice vote was taken. The motion CARRIED with Reps. Eudaily, Grady, Daily, Bulger, and Miles dissenting.

HB 790, DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 414: Rep. Cobb moved DO PASS. Rep. Bulger stated that the subcommittee felt that the bill did not have merit. Question was called and a voice vote was taken. The motion CARRIED 9-8. HB 414, DO PASS.

STANDING COMMITTEE REPORT

FEBRUARY 21,

87
19

JUDICIARY

Mr. Speaker: We, the committee on

report HOUSE BILL NO. 219

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

Chairman

1. Title, line 5.

Following: "ORGANIZATIONS"

Insert: "AND THEIR EMPLOYEES"

2. Title, line 6.

Following: "RODEO"

Insert: ", COWBOY POLO, CUTTING HORSE, O-MOC-SHE, AND JACKPOT
ROPING"

3. Title, line 7.

Strike: "AN IMMEDIATE"

Insert: "APPLICABILITY AND"

4. Title, line 8.

Strike: "DATE"

Insert: "DATES"

5. Page 1, line 12.

Following: "organizations"

Insert: "and their employees"

6. Page 1, line 13.

Following: "rodeo"

Insert: "and similar"

7. Page 1, line 14.

Following: "rodeo"

Insert: ", cowboy polo, cutting horse, o-moc-she, or jackpot
roping event, or employee of the organization."

8. Page 1, line 15.

Following: "in"

Strike: "a"

Insert: "the"

9. Page 1, line 16.

Strike: "rodeo"

Following: "willful"

FIRST

reading copy (WHITE)
color

25

FEBRUARY 21, 1987

Strike: ", "
Insert: "or"
Following: "wanton"
Strike: ", "

10. Page 1, line 17.
Strike: "or reckless"

11. Page 1, line 20.
Strike: "at a rodeo"
Insert: "in an"

12. Page 1, line 23.
Strike: "rodeo"

13. Page 2, lines 13 through 16.
Strike: section 4 of the bill in its entirety

Renumber: subsequent sections

14. Page 2, line 23.
Strike: "date"
Insert: "and applicability dates"

15. Page 2, line 24.
Strike: "on passage and approval"
Insert: "June 1, 1987, and applies to claims accruing after June 1, 1987"

AHB219/JN/JM2

DAILY ROLL CALL
JUDICIARY COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Feb. 21, 1987

NAME	PRESENT	ABSENT	EXCUSED
JOHN MERCER (R)	✓		
LEO GIACOMETTO (R)	✓		
BUDD GOULD (R)	✓		
AL MEYERS (R)	✓		
JOHN COBB (R)	✓		
ED GRADY (R)	✓		
PAUL RAPP-SVRCEK (D)	✓		
VERNON KELLER (R)	✓		
RALPH EUDAILY (R)	✓		
TOM BULGER (D)	✓		
JOAN MILES (D)	✓		
FRITZ DAILY (D)	✓		
TOM HANNAH (R)		✓	
BILL STRIZICH (D)	✓		
PAULA DARKO (D)	✓		
KELLY ADDY (D)	✓		
DAVE BROWN (D)		✓	
EARL LORY (R)	✓		

CHAIRMAN--SEN. JOE MAZUREK
NORMAL SCHEDULE==> SITE: ROOM 325

DAYS: MON THRU FRI TIME: 10:00 A.M.

SECRETARY-MARY HUBER

--BILL NO--	--REFER DATE--	--HEARING DATE--	--CONSIDERATION DATES--	--COMMITTEE ACTION--	--REREFERRED TO COMM--	--DATE OUT--
HB0170	1/26				LABOR & EMPLOYMENT	—
JONES, TOM			DELETE PROVISION SETTING LIEN PRIORITY OF WITHHOLDING TAXES			
HB0188	2/04	3/13		CONCUR		3/13
BRADLEY, DOROTHY			CLARIFYING PROCEDURE FOR ADOPTION OF CHILDREN			
HB0197	1/30	3/06		CONCUR		3/6
GRADY, ED			OPERATING MOTOR VEHICLE WITHOUT LIABILITY INSURANCE -- INCREASE PENALTIES			
HB0207	2/10	3/23		CONCUR AS AMENDED		3/26
ADDY, KELLY			DISPOSITION OF STATE TORT CLAIMS BY AGENCY PREREQUISITE TO COURT ACTION			
HB0219	3/02	3/24		CONCUR AS AMENDED		3/26
HOLLIDAY, GAY			LIMIT CIVIL LIABILITY OF NONPROFIT ORGANIZATIONS FOR RODEO INJURIES			
HB0223	2/02	3/03		CONCUR		3/3
BARDANOUVE, FRANCIS			ADOPT THE INTERSTATE CORRECTIONS COMPACT			
HB0235	2/10	3/05		CONCUR		3/5
ADDY, KELLY			CLARIFY PENALTY FOR FAILURE TO OBEY SUBPOENA			
HB0236	2/21	3/05		CONCUR AS AMENDED		3/11
ADDY, KELLY			REQUIRE JUD. NOMINATION COMM. TO MEET BEFORE VACANCY OCCURS IN SOME CASES			
HB0241	2/19	3/10		CONCUR AS AMENDED		3/24
SPAETH, GARY			REGULATE WRONGFUL DISCHARGE DISPUTES			
HB0256	2/19	3/11		CONCUR		3/11
PISTORIA, PAUL			INCREASE & CREATE FILING FEES IN CIVIL CASES TO FUND DIST. COURT OPERATIONS			
HB0267	2/03	3/04		CONCUR AS AMENDED		3/4
MERCER, JOHN			DUTY OF MENTAL HEALTH PROFESSIONALS TO WARN OF VIOLENT PATIENTS			

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

March 24, 1987
10:00 A.M.

The fiftieth meeting of the Senate Judiciary Committee was called to order at 10:00 a.m. on March 24, 1987 by Chairman Joe Mazurek in Room 325 of the Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 503: Representative Dorothy Bradley, House District 79, Bozeman, introduced House Bill 503, which amends the existing statutes that provide landowners immunity from liability for injuries to persons who are on their land for recreational purposes and without charge. She said the artist Jim Dolan is planning on putting sculptures on private land. She said the landowners are afraid of liability problems. She suggested better wording on line 16, after "hiking", insert "touring and viewing cultural and historical sites and monuments".

PROPOSERS: Jim Dolan, artist from Bozeman, gave the committee a summary of his work and his plans for his projects. (Exhibit 1)

Karl Englund, Montana Trial Lawyers Assn., asked how the statute can define a "historical site". He felt the bill is strictly to protect the landowner when people come onto his land to look at a historical site or art.

OPPOSERS: There were no opposers.

DISCUSSION ON HOUSE BILL 503: Senator Mazurek asked Representative Bradley if she has thought about the problem Karl Englund brought up. Rep. Bradley explained all this bill gives is a reference to the landowner.

Senator Blaylock asked what the difference is between "touring" and "viewing". Rep. Bradley stated that if the committee feels that is redundant language, then it can be taken out.

CONSIDERATION OF HOUSE BILL 219: Representative Gay Holliday, House District 31, introduced House Bill 219, which creates immunity for a nonprofit organization and its employees from injuries suffered by contestants. She explained House Bill 219 is a combination of Rep. Marian Hanson's bill and her own bill. She explained the sport of rodeo is becoming extinct because of the fear of liability suits. She said no one wants to have a rodeo anymore because of the lack of availability of insurance coverage. She explained O-MOK-SEE is spelled wrong in the bill and would appreciate the change.

PROPOSERS: Representative Marian Hanson from House District 100, stated rodeo is one of Montana's prize possessions and without this bill we will lose it quickly.

Les Graham, Pro-Rodeo Cowboys Assn., stated he was on personal leave from the Department of Livestock to come testify in support of the bill. He stated no one can get insurance for rodeo; there is none available. He explained rodeo has more variables to worry about than other sports because one is dealing with animals to participate. He explained a rodeo injury case where the rider was hurt on his own horse, but the law suit went on for five years.

Senator Eleanor Vaughn, Senate District 1, testified the rodeo organization and outdoor organizations help the young people of the state and soon there won't be any of these organizations because of the law suits. She said the Back Country Horsemen Assn. would like to be included in the bill.

Bill Maloit, Back County Horsemen, supported the bill and had the amendments for the committee to include his organization. (Exhibit 2)

Judy Wagner of Helena, stated she is a private rodeo arena owner and a concerned parent. She said children will not be invited to attend ropings at other people's arenas. She said she and her husband make people who use their arena sign release forms. She stated lawyers have told them the release forms will not hold up in court. She said the liability insurance they could get only covered spectators and not participants. She explained that her family is very athletic and have participated in all kinds of sports.

Keith Herrin, Montana Saddle Clubs Association, supported the bill. (Exhibit 3) He also handed in written testimony of Gary Hettick, President of Montana Saddle Clubs Association. (Exhibit 4)

Shirley Clark, Montana High School Rodeo Association, testified in support of the bill.

Pat Greany, MT. Pro-Rodeo Cowboy Assn., supported the bill because he is a private arena owner.

Jim Hohn, Chairman of the Broadwater County Fair Board, testified that the Fair Board can't find qualified people to be on the Board because of the fear of suits against the Board for events such as rodeos.

Bob Burns, Insurance Incorporated, said there is no coverage for participants. He supported including "jackpot roping" in this bill.

Carol Mosher, Montana Stockgrowers, testified in support of the bill.

Dolly Hughes, Lewis and Clark Fairgrounds manager, stated she has to write such strict rules involving fairground use that the use of the fairgrounds has dropped, all because of the liability problem and the availability of insurance. She wanted to include "horse shows" in the bill.

Steve Downing, representing himself, stated rodeo people know the risks, and most rodeo people would not think of suing anyone. He explained a rodeo injury that happened to him where a horse kicked him in the face. He said he never thought of suing. He said he has never been to a rodeo where there wasn't a potential law suit. He said every rodeo cowboy would support this bill.

OPPONENTS: Karl Englund, Montana Trial Lawyers Assn., said the bill raises the standard of negligence to "gross negligence". He stated if the people who use these arenas and the ones who sponsor an event want the standard to be that high, then that is a true policy position. He said the unavailability of insurance for this is not because hundreds of cases are being filed against rodeo.

DISCUSSION ON HOUSE BILL 219: Senator Blaylock asked Steve Downing if he thinks the people who will sponsor rodeos will become more careless if this bill passes with "willful and wanton". Mr. Downing answered he could not see rodeo people becoming careless. He said what seems safe to rodeo people, may be very dangerous to others.

Senator Pinsoneault inquired if Rep. Holliday thought about using a generic term, like "users of horses, riders and livestock" for all these groups represented here because the bill was getting a long laundry list of groups to be covered under it.

Rep. Holliday agreed with Senator Pinsoneault. She stated her bill only included rodeos and Rep. Marian Hanson's bill included other events. She said the House Judiciary subcommittee wanted to make sure no profit organization could slip into this bill. Senator Pinsoneault commented the profit organizations are trying to get into it.

Senator Blaylock asked how many law suits involving rodeo have been filed in this state. Rep. Holliday said there was one that she knew of.

Senator Beck asked if "jackpot roping" will be covered. Rep. Holliday responded it will not be covered because it is not a "nonprofit" group. She said she would like to see "nonprofit" taken out of the bill.

Representative Gay Holliday closed by saying Benny Reynolds, famous rodeo star, supported the bill.

CONSIDERATION OF HOUSE BILL 478: Representative Fred Thomas, House District 62, introduced House Bill 478, which grants weed districts immunity from liability for negligent acts, except acts constituting gross negligence. He said the weed districts of Montana are not spraying the roadsides as much because of lack of pollution insurance. He said this bill will give immunity to the weed districts on the "gross negligence" level.

PROPOSERS: Debi Brammer, Montana Conservation Districts, supported the bill.

Chuck Rein, rancher from Big Timber, said there is a serious problem in controlling weeds in this state, and not being able to spray them doesn't help the problem.

ROLL CALLJudiciary

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March 24

NAME	PRESENT	ABSENT	EXCUSED
<u>Senator Joe Mazurek, Chairman</u>	X		
<u>Senator Bruce Crippen, Vice Chairman</u>	X		
<u>Senator Tom Beck</u>	X		
<u>Senator Al Bishop</u>	X		
<u>Senator Chet Blaylock</u>	X		
<u>Senator Bob Brown</u>	X		
<u>Senator Jack Galt</u>	X		
<u>Senator Mike Halligan</u>	X		
<u>Senator Dick Pinsoneault</u>	X		
<u>Senator Bill Yellowtail</u>	X		

Each day attach to minutes.

SENATE JUDICIARY COMMITTEE
TESTIMONY ON AMENDMENT TO HOUSE BILL 219
3-24-1987 - 1000

Mr. Chairman and Members of the Senate Judiciary Committee

I am Bill Maloit, of Helena, Montana, representing the Back Country Horsemen of Montana. We have chapters at Kalispell (Flathead), Polson (Mission Valley), Libby (Cabinet), Missoula (Missoula), Hamilton (Bitterroot), Conrad (East Slope), Helena (Last Chance), Great Falls (Charlie Russell), Bozeman (Gallatin Valley), Thompson Falls (West Sanders) and Eureka (Tobacco Valley). We are affiliated with the Back Country Horsemen of America.

The Back Country Horsemen of Montana is incorporated under the laws of the state of Montana as a non-profit educational corporation. The objectives are:

1. To perpetuate the common-sense use and enjoyment of horses in Montana's backcountry and wilderness.
2. To work to insure that public lands remain open to unrestricted recreational stock use.
3. To assist the various government and private agencies in their maintenance and management of said resource.
4. To educate, to encourage, and solicit active participation by various members of the general public in the wise and sustaining use of horses and by people commensurate with our heritage and the backcountry resource.
5. To foster and encourage the formation of new organizations and Back Country Horsemen of Montana.

In order to achieve our objectives and purpose, we ~~conduct~~ packing clinics, light-on-the-land camping and horse use techniques, conduct trail rides to inspect and review problem areas and wilderness proposals, aid the Forest Service in packing in supplies and materials, and aid in trail maintenance.

Liability insurance costs have increased beyond reason and it is difficult to obtain.

The sponsors of HB 219 were contacted in reference to this amendment and have consented to its inclusion in the bill.

The Back Country Horsemen of Montana request consideration of this amendment to HB 219 and recommend passage of this legislation.

Thank you,

Bill Malott

Amend House Bill 219, Third Reading Copy

1. Title, line 8.

Following: "EVENTS;"

Insert: "FOR NONPROFIT CORPORATIONS FORMED FOR AND SPONSORING
BACKCOUNTY HORSERIDING EVENTS;"

2. Page 1.

Following: line 21

Insert: "(2) No incorporated nonprofit organization formed for
the purpose of conducting events involving horseback or
horse packing activities is liable for injuries suffered by
a participant in such an event as a result of his voluntary
participation in the event except for injuries caused by a
willful or wanton act of the organization or its employees."

Renumber: subsequent subsection.

RESOLUTION: LIMITATION OF CIVIL LIABILITY

WHEREAS, House Bill 219 introduced by Representatives Holliday and Hanson "An act to limit the civil liability of non profit organizations and their employees for injuries suffered by contestants in sponsored rodeo, cowboy polo, cutting horse, O-Moc-See and jackpot roping events, amending section 27-1-701, MCA; and providing an applicability and effective dates."

WHEREAS, the Back Country Horsemen of Montana is incorporated under the laws of the state of Montana as a non profit, educational corporation and;

WHEREAS, the objectives and purposes are:

1. To perpetuate the common-sense use and enjoyment of horses in Montana's backcountry and wilderness.
2. To work to insure that public lands remain open to unrestricted recreational stock use.
3. To assist the various government and private agencies in their maintenance and management of said resource.
4. To educate, to encourage, and solicit active participation by various members of the general public in the wise and sustaining use of horses and by people commensurate with our heritage and the back country resource.
5. To foster and encourage the formation of new organizations and Back Country Horsemen of Montana.

WHEREAS, the proposed legislation, with amendment, would aid and protect individuals and clubs involved in trail rides and packing clinics in pursuit of our objectives and purpose.

THEREFORE, be it resolved that the Back Country Horsemen of Montana request legislative consideration for amendment to House Bill 219 as follows:

1. Title, line 8.
Following: "EVENTS:"
Insert: "FOR NONPROFIT CORPORATIONS FORMED FOR AND SPONSORING BACKCOUNTRY HORSE RIDING EVENTS;"
2. Page 1.
Following: line 21
Insert: "(2) No incorporated nonprofit organization formed for the purpose of conducting events involving horseback or horse packing activities is liable for injuries suffered by a participant in such an event as a result of his voluntary participation in the event except for injuries caused by a willful or wanton act of the organization or its employees."
Renumber: subsequent subsection.

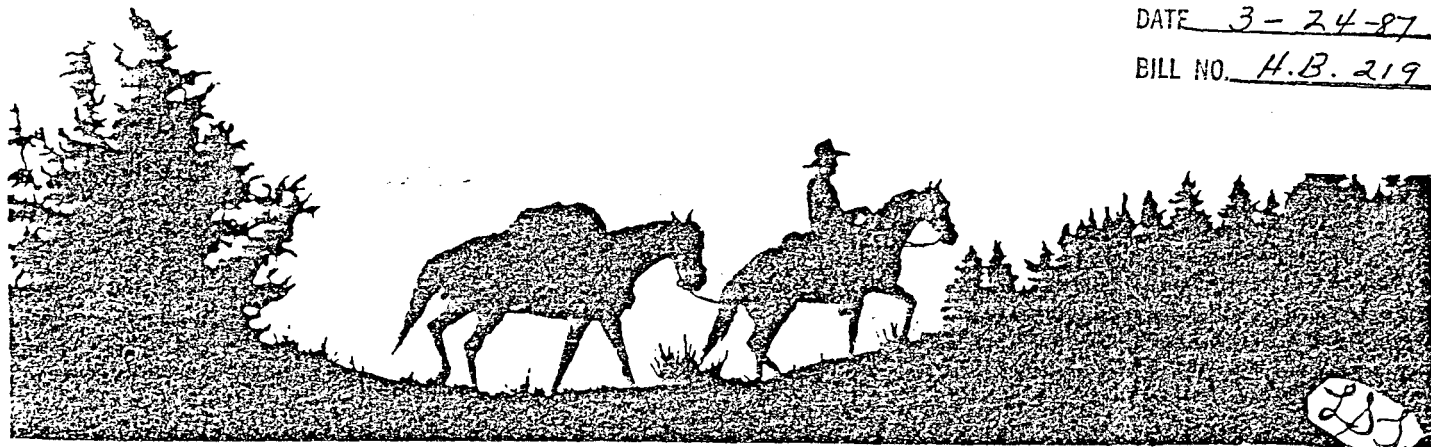
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SENATE JUDICIARY

EXHIBIT NO. 2

DATE 3-24-87

BILL NO. H.B. 219



BACK COUNTRY HORSEMEN OF MONTANA NEWS

5361 Keir Lane • Helena, MT 59601

VOLUME 8

FEBRUARY 1987

ISSUE NO. 1

State Convention Mar. 21-22

The BCH of Montana will hold their second annual state convention in Bozeman, on March 21-22, 1987. The convention will be held at the Gallatin County Fairgrounds in Building No. 4

The convention committee has been working very hard to make this an enjoyable and informative time for everyone. We have purchased three camp stoves from Norm Connors, a local developer, to be raffled at the convention. A \$1 ticket gives a person three chances to take home one of these stoves. Norm's stoves are fully collapsible and nesting, fitting together into a neat package 3-inches deep, and designed to hold a fire longer. These are high quality stoves built by a man who developed them after 33 years of experience working with sheetmetal.

We have some excellent speakers lined up to give us information on access and grizzly bear concerns, as well as information on llamas and different horse breeds.

The Saturday night banquet will be held at the newly-remodeled Gallatin Gateway Inn with Country Fever providing the music for dancing. We will also have some surprise entertainment.

Back Country Horsemen of Gallatin

Valley are very proud of their area in southwestern Montana and are looking forward to sharing it with all of you.

We will be having an advance registration with a \$5 late registration fee. Registration is due by March 6, 1987.

Agenda

Friday, March 20, 1987

7-9 p.m. Club 1987 Activity Display setup
Montana Board of Directors Meeting

Saturday, March 21

8-9 a.m. Donuts and coffee, club display setup, registration
9:00-9:15 Welcome, Pledge of Allegiance
9:15-10:00 General Session
10:00-10:15 Montana Traveler - Tom Eaton and Cleto McPherson
10:15-10:30 Break
10:30-11:00 General Session

11:00-11:30 Gallatin National Forest - Nan Christiansen
11:30-12:00 General Session
12:00-1:30 Lunch (ticket required)
1:30-2:15 General Session
2:15-2:40 Llamas - Ric Roche
2:40-3:15 Grizzly bear - Rick Inman
3:15-3:30 Break
3:30-3:40 Tennessee Walker - Rick Weis
3:40-5:00 General Session
6:30-7:30 No host cocktail hour - Gallatin Gateway Inn
7:30 Dinner (ticket required)
9:00 Dance

Sunday, March 22

8:00-8:30 Donuts and coffee
8:30-10:00 General Session
10:00-10:30 Access issues - Robert Braezele, Forest Supr.
10:30-11:00 Missouri Fox Trotter - Bob Kirk
11:00-12:00 General Session
12:00-1:00 Lunch (ticket required)
1:00-2:30 General Session
Adjourn
Montana Board of Directors Meeting and Elections

From the President's Chair



by Loy Robinson, Chairman
Back Country Horsemen of Montana

Rattlesnake Restrictions

By Loy Robinson

Again the specter of restrictions and closures to stock use rears its ugly head. This time it is in the Rattlesnake National Recreation Area north of Missoula, an area of outstanding recreational opportunity for hikers and horsemen, very close to the Missoula metropolitan area.

Threat of the closures has come about as a result of meetings and discussions by the United States Forest Service, state and county health departments, and the commercial water supplier for the city of Missoula, Mountain Water Company. As a result of a giardia contamination in Missoula's water supply in 1983, apparently from surface water in the Rattlesnake drainage, Mountain Water Co. stopped using water from Rattlesnake Creek and now supplies Missoula's needs with well water. Now the company wants to use the creek water again, but to do so, must solve the giardia problem. Warm blooded animals, including horses, are possible sources of the giardia cysts, so plans are being proposed to ban horses, dogs and all domestic animals, and to trap all of the beavers. We don't know what the plans are for all the other animals, from mice to moose. (Maybe diapers?)

This proposed solution is ridiculous. No evidence exists to point to horses as the source of, or even a contributor to, the problem. A more likely source is the human users of the area.

If Mountain Water Co. officials feel that water from Rattlesnake Creek is absolutely necessary for the city's use, then filtra-

tion systems are available and effective. Many communities in eastern Montana are required to have, and do have, such systems. Installation and operation of a filtration system would cost Mountain Water Co., and ultimately the water consumers of Missoula, but that is as it should be. We need to return to the ethic of paying for what we use.

Closure of the area to recreational stock would also cost, both directly and indirectly. Present users would have to transport their horses long distances to other recreational areas, but the greatest loss would be in the intangible cost of lost freedom and recreational opportunities.

Back Country Horsemen are adamantly opposed to closures of this sort for the following reasons:

1. Loss of traditional western freedom to roam the backcountry on horseback.
2. Restrictions caused by managing agencies yielding to special interests for reasons other than that of protecting the resource. (In this case, the reason is primarily the profit motive.)
3. Managing agencies using restrictions and regulations as a replacement for education, and enforcement of existing rules.

4. Loss of freedom and individual rights through administrative edict rather than through the legislative process.

Write to the Lolo National Forest Supervisor, to the State Board of Health, and to the Missoula City Council expressing your displeasure with this proposal.

Idaho Convention

March 14 is the first annual Idaho BCH convention to be held at the Holiday Inn in Coeur d'Alene. This one day meeting gives an opportunity to discuss the issues common to all persons interested in the preservation of our back country public lands for horse use. It will enlighten everyone as to the encroaching forces that are limiting horse use on public owned land. With combined efforts we can help this situation. The accomplishments of the BCH will be discussed. The enjoyment and benefits of fellowship with people having a common interest is immeasurable.

The convention is for your benefit and it takes your attendance to make it a success.

Directors Ask For Dues Increase

By Lloyd Fagerland

The Board of Directors of the BCHA has decided to ask for a 50 cent increase in annual dues for a total of \$1 per member.

This action by the Board does not take effect until it is approved by three-fourths of the member states. It is our wish that it be effective for the 1987 calendar year, but this, of course, will also need to be approved by the state organization.

This is official notification of our request for a dues increase. Would each of you place it on the agenda at your first general meeting following receipt of this letter.

Also, I would like to have each of you publicize this request among your members. At a minimum I would think this would mean a letter to your state officers and each individual club.

Following action by your membership, would you please notify the chairman and secretary of BCHA as to whether your state organization approved or disapproved the request for the dues increase.

The Board feels that more money is needed to adequately carry out the work of BCHA. We feel that there will be times when we need to represent BCH members at meetings, hearings, etc. It's impossible to foresee when this may be necessary, but when the Board feels that it should be done we would like to have sufficient money to pay actual expenses of people who participate in these.

It is also our hope to expand BCH into the western states where we do not have BCH clubs. We allotted several hundred dollars for this purpose last year and have not, and probably will not, spend it this year. We have made some efforts to find a location where, when the chance of a successful organization seemed good, but so far haven't been able to do that. However, we plan to continue our efforts to expand into these other states and if and when we think the circumstances are right, we would like to have sufficient money to get the job done.

I personally think that the request for additional dues is a very modest one. No member will miss the extra \$.50, but it will give BCHA directors some additional money so they can better do the job they were elected to do. I have confidence that they will spend it wisely and that increasing the dues is the correct decision to make. I hope that each of you will actively support this decision of the Board among your membership.

Thanks, Loy



By Margie Robinson

Loy was born the fifth child of seven. His father was a miner most of his life so Loy knew much about the outdoors and surviving by an early age. He graduated from high school at Alberton, Montana. He attended the University of Montana and was then drafted. He was in the Army and served overseas in the U.S. Forces in the Army Engineers. He returned and again attended the University of Montana. He was at this time awarded a PTA scholarship. He worked for the Forest Service at the First Equipment Center during this time. He graduated from the University of Montana with a major in math and a minor in biological sciences. He has gone to colleges for many years. He attended National Science Foundation for one year at the University of California, San Diego; another year under National Science Foundation at the University of Oregon, Eugene. He also attended several summers at Stanford University on a Shell Merit Scholarship. At that point Shell Corporation wanted him to work for them in their laboratories, but he still liked working with young adults so he returned to teaching each year. For 22 of these years he was Chairman of the Math Department. He resigned from this position after having open heart surgery. He has been active in many professional organizations. He has served as president of his local Kalispell Education Association. He has been president of the Montana Council of Teachers of Mathematics and served many terms on their board of directors. He has served as an elementary math counsellor for the Office of Public Instruction. He was on the Evergreen School Board for three terms. He has been a speaker at many conventions dealing with mathematics. He belongs to the above mentioned organizations plus Montana Education Association, National Education Association and the

National Council of Teachers of Mathematics. He also belongs to the Fraternal Order of Elks and the American Legion. He has served as president of the council at the Calvary Lutheran Church for three terms. He has been president of the BCH of Flathead twice. He has served on their board for many terms. He has served on the Board of Directors of the BCHA and the BCHM. He was the secretary of the BCHA and has served two terms as president of the BCHM. He also was the organizer of the first convention of the BCHA.

Loy has six children, all of whom are married. He also has seven lovely grandchildren. He enjoys his grandchildren very much.

His goals in life have changed a lot in recent years. He has taken a good look at life since his heart surgery and has decided that you need to live for today and enjoy it for all it has to offer. We know not what

tomorrow may bring. He is not a worrier about tomorrow, next week, next month, or next year. Today is very important. I asked him his goals at this moment and he said mostly to enjoy life to its utmost, to look forward to retirement and he has high hopes to travel, relax, read, fish and raise giant cucumbers. He loves to tell stories and loves to be involved in the politics and mechanics of running meetings and conventions.

I guess the best story I could tell about him is that being married to a mathematician, I needed to know how many spaces to space my tiles in my kitchen so that the decorative ones would be even. We had a discussion about spacing the decorative tiles, I said that I wanted them to be evenly spaced and he had said to randomly space them. I said no, it is my kitchen and I want them to be evenly spaced. He figured and told me how to do it. Needless to say it didn't work out. His explanation is that I am a very systematic person and he is a random person so it didn't really matter how they were spaced.

Consensus Process Shattered

Three years of attempts to write a Montana wild lands bill by consensus finally ended in deadlock when Congress adjourned August 15. In the consensus process, each member of the state's congressional delegation had to agree in order for a roadless area to be conserved as wilderness. Conservationists have long maintained that this approach would always seek the lowest common denominator, minimizing wilderness and producing a bill heavily weighted toward non-wilderness.

Representative Ron Marlenee presented last-minute demands for far-reaching concessions, some of which seemed to be more closely related to re-election rhetoric than

resolving wild land issues.

Senator Baucus later expressed his frustration over the process, explaining that he and Representative Pat Williams had "given up" valuable wild areas in places such as the Rocky Mountain Front which they believe deserves wilderness designation. They did so on the assumption that Marlenee would in turn give up some of his opposition to wilderness in the Gallatin. Baucus stated that since Marlenee refused to cooperate, "the deal is off...as far as I'm concerned everything is back on the table." Williams went on to say that the consensus process was "finished...in the end the process didn't work."

Flathead Horsemen

By Phillis Clark

Packers Clinic: Between 75-100 participants were involved in the annual packers clinic sponsored by Flathead BCH. The "hands on" event brought interested persons from all over the northwest as well as a few from Cut Bank. Participants were involved in putting a mantly together, loading it on the pack horse, working the ropes and adjusting the packs.

The annual horse packing clinic is one of the ongoing educational projects of the Flathead club.

O MOK SEE: Fun and games on horseback was the order of the day for a fair-sized crowd of Flathead Back Country

Horsemen. Although it threatened rain, the cool weather was just right for the stock. Games and events for the day included barrel racing, flag races, egg races (carrying a hard boiled egg in a spoon while racing), walking horse race, gaited walking horse race, saddle horse obstacle race and pack string obstacle course race. Two new events were added this year—the pancake race and the packers' scramble.

Memorial Day Work Project: 70 members of the Flathead BCH volunteered their time and energy over the Memorial Day weekend holiday in a work project in the South Fork of the Flathead. Workers logged out and brushed out trails and placed fill dirt in the corduroy sections of the main Black Bear Trail.

President's Commission On American Outdoors

By Lloyd Fagerland

BCHA testified at three of the hearings of the President's Commission on the American Outdoors. Ken Wilcox spoke at the Seattle meeting, Dr. John Hughs at Reno, and I went to Denver.

As a part of their presentation each of the BCH members used the petition adopted at our 1986 meeting. The summary of it said that "Congress is petitioned to enact legislation that charges the administrators of national public lands to responsibly manage their trusts in a manner that shall not exclude recreational use of horses and mules where such use has a historical basis."

Dr. Hughs classified the problem areas of horsemen into four categories. They were closure and exclusion, inadequate trail maintenance, over regulation and user group conflicts. In closing he listed some solutions to the problems. One of those was redefinition of administrative priorities. Dr. Hughs says, "If the policy which neglects the back country trails is to be reversed there must be some major adjustments to the priorities exercised by the managers of public lands. More emphasis must be placed upon increasing the numbers of field personnel such as trail crews, and less emphasis on administrative staff positions. For too long the public has seen the managerial staffs of the national parks and forests outgrow their facilities while the back country users watch the trails disintegrate beneath their feet. Emphasis must once again be placed on the practical management of the public lands and the theoretical studies put aside until the physical and historical resources of the parks and forests are returned to at least the conditions of 30 years ago."

The meeting in Denver was so large that they split into two groups at different locations. There were a lot of political types and professional lobbyists. The snowmobilers were out in force. The off-road vehicle users took a lot of flak from some of the other groups, but they were well represented too. The traditional environmental organizations were all there plus almost every other conceivable interest group. As usual horsemen were sort of scarce. BCHA, the Colorado Horse Council and a Colorado Springs horse club testified. I think the other two groups were there because of the interest generated by Ken Wilcox's article in the Western Horsemen and the correspondence we had with them prior to the Denver meeting.

We received a lot of letters from all over

the country because of Ken Wilcox's article. Many of them said that they were going to testify at the hearings in their locality. Frank Bogert, a member of the commission, told me that he had been swamped with letters. Almost every letter emphasized either lack of trail maintenance or construction and closures of trails on the public lands to horse use.

Thanks to Ken and all the horsemen who took time to write. We must have made at least a small wave and perhaps the President's Council noticed it.

It's difficult to evaluate just how much good something like this does. I think it's one of those things you have to keep pounding away at because in the long term overall picture it is important.

A December 10 news release from the

Jefferson's Amazing Bargain

Just around the corner, we'll be celebrating our 100th year of Montana statehood. But if not for a visionary president and the fate of weather and war, our history might be altogether different. Instead of the 41st state, much of Montana today could be the territory of a foreign power.

The president was Thomas Jefferson and the year 1803. The United States was a nation of five million, settled between the Appalachians and Atlantic Ocean. Westward lay a vast wilderness, mysterious to the few European fur trappers who had crossed it but homeland for the First Americans—in the Northern Rockies and plains, the Salish and Kootenai, the Blackfeet, Assiniboine, Sioux and Cheyenne.

Under French claim, the enormous land west of the Mississippi River was called Louisiana. Even though "foreign soil," Jefferson in January sent a request to Congress for funds to explore it.

That spring, confronted with Napoleon Bonaparte's imperial ambitions, Jefferson would make the bargain that changed the face of the United States and set Montana's future. In Holland, Napoleon was amassing an armada to carry a huge army into Louisiana and New Orleans, a port vital to American commerce. Already, Napoleon had dispatched 20,000 soldiers into the West Indies.

Jefferson's plan was to offer Napoleon \$10 million for New Orleans. But his envoy

commission said that recommendations will place chief responsibility for the creation of a nation-wide network of "greenways" on state and local tourism groups, chambers of commerce and government. Ashe said the commission will recommend that the federal government back up its commitment to resource protection with a reinvigorated Land and Water Conservation Fund which will provide \$1 billion a year to protect and develop recreation areas. That would be an increase of \$100 million each year over currently authorized levels.

"Look for the President's Commission to recommend something that will provide better access to recreation opportunities for people locally, near the cities and towns in which they live. In the best tradition of our federalist form of government, recommendations from the Alexander Commission call for local ideas and local action to provide and protect recreation opportunities for all Americans," Ashe said.

to Paris, James Monroe, found a staggered France—the Holland fleet icebound, the West Indies army annihilated by yellow fever. France was ripe for a bargain and Monroe returned with not just New Orleans but all of Louisiana for \$11 million.

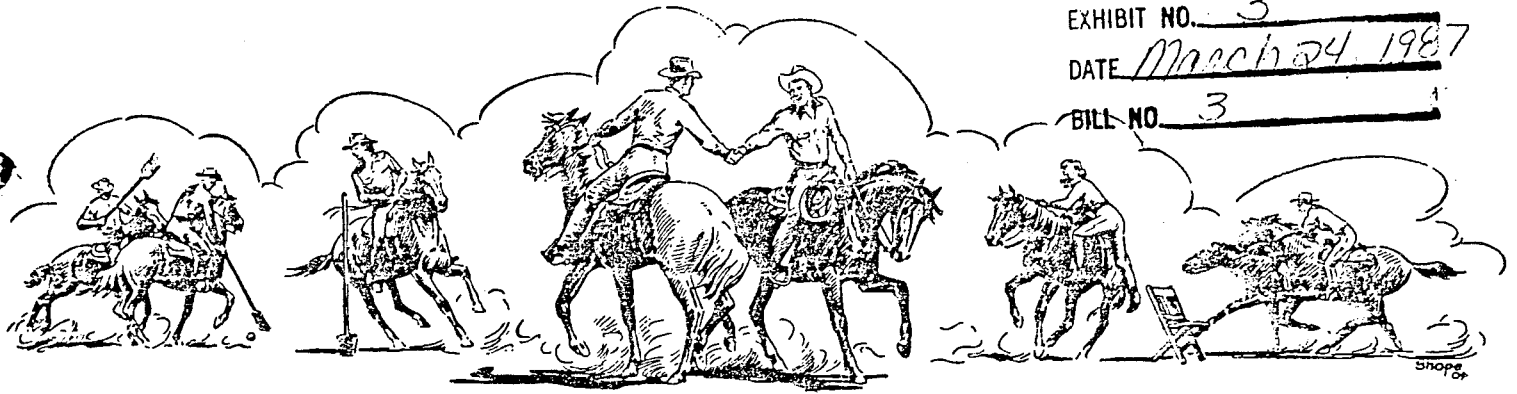
No one was sure of the land's size, except that it stretched to the Continental Divide and what now is the Canadian border. But Congress understood the historic importance and ratified Jefferson's amazing bargain by heavy majorities.

Dismantling The Absaroka-Beartooth Wilderness

A provision to actually remove several thousand acres including the Alpine Basin of Goose Lake from the Absaroka-Beartooth Wilderness sets a very dangerous precedent for the entire wilderness system. In just the past year, Representative Ron Marlenee has attempted to delete designated wilderness in both the Bob Marshall and the Absaroka-Beartooth Wilderness (West Fork Stillwater). It took many years of hard work by Montana citizens to establish the Absaroka-Beartooth Wilderness, "secure for the American people of present and future generations the benefits of an enduring resource of wilderness." It's our job to see that Montana's wild heritage remains intact.

DATE March 24, 1987

BILL NO. 3



Montana Saddle Clubs Association

March 24, 1987

Senate Judiciary Committee
Montana Senate
Capitol Station
Helena, MT

RE: SUPPORT OF HB # 219

Dear Member,

My name is Keith Herrin, Helena, and I am representing the Montana Saddle Clubs Association and the sport of O-MOK-SEE.

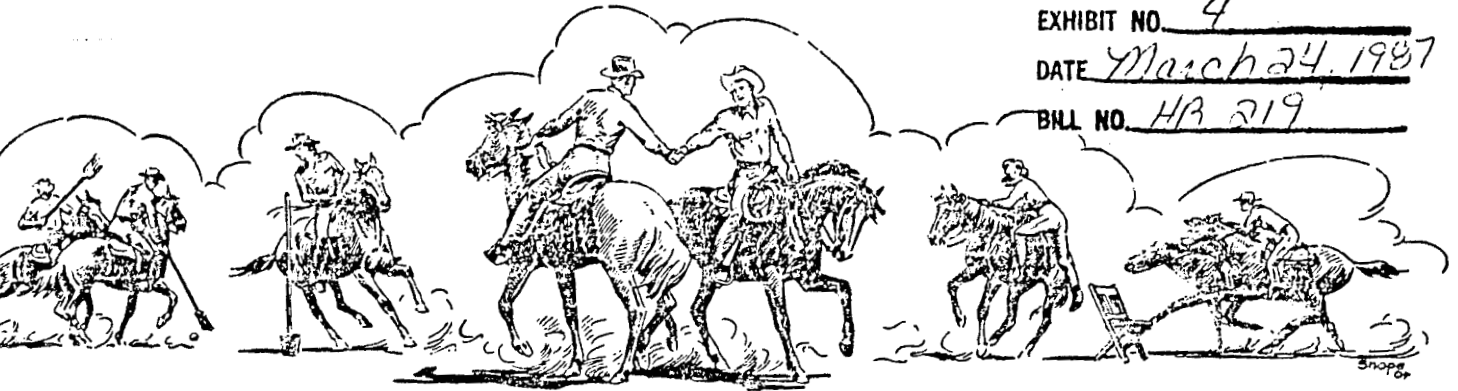
The rising cost of insurance to host a local club O-MOK-SEE throughout the State of Montana has become a matter of grave concern to our organization since many of the clubs in the state are quite small and yet are being quoted prices of \$300.00 per day to host a local show.

We will be hosting our 40th Annual Championship O-MOK-SEE this summer, so you can see we are a deeply rooted organization in the state. We would hate to lose any of our member clubs due to the inability to pay the required insurance premiums to hold their local and district shows.

The members of our organization strongly urge your support of House Bill No. 219.

Sincerely,

Keith Herrin
Keith Herrin



Montana Saddle Clubs Association

Senator Joe Mazurek,
Chairman
Judiciary Committee
State Capitol
Helena, MT

RE: SUPPORT OF HB # 219

Dear Senator Mazurek:

The Montana Saddle Clubs Association is a non-profit family oriented organization whose purpose and objectives include;

ARTICLE II

Section 1. To promote and cultivate co-operation and friendly relationships within and between the Saddle Clubs throughout this State and elsewhere.

Section 2. To foster legislation for the benefit of the members and oppose legislation detrimental to the success of their organization.

We strive to preserve our western heritage in a sport that originated as a war ceremony of the Blackfeet Indians. We endeavor to develop good horsemanship along with good sportsmanship in a sport that all members of a family can enjoy together.

The rising cost of insurance rates has caused great concern to the members of our organization. Therefore, we strongly urge the passage of HB # 219.

Sincerely,

Gary J. Hettick, President

Attachments



Montana Saddle Clubs Association

Donna Hill - Prairie Riders / Sun River Saddle Club - Gt Falls

Karen Van Hying - Prairie Riders S. C. - Great Falls

Linda Lee - Sun River - Gt. Falls

Polly Toft Great Falls - Outlaw S. C.

Don R " " " "

Glenn Sunderson Little Falls Saddle Club, Gt Falls

Bud Whul Big Sky Riders Gt Falls

Shirley Whul " " " "

Mary Kay Green Little Falls Saddle Club Great Falls

Dennis Green Little Falls Saddle Club Great Falls

Millie McDonald Easy Riders Saddle Club Lewistown

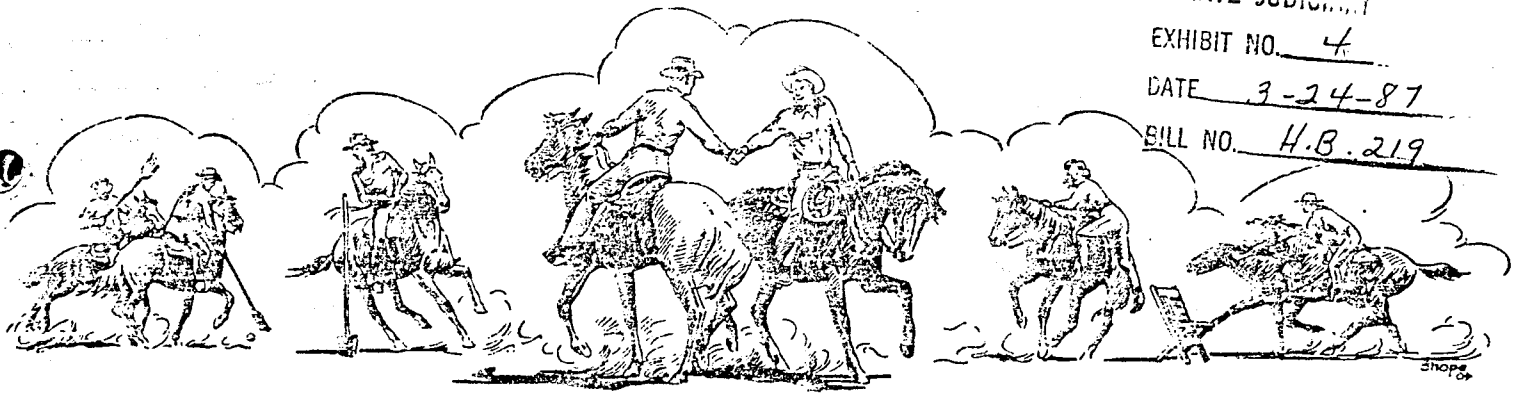
Julia Jackson Snyder Easy Riders Saddle Club Lewistown

Allyn R Hill State National Dir. Sun River

Linda J Loveland State Treasurer

Danell Loveland Little Falls Saddle Club

Sue Helter Big Sky Saddle Club Mula, Mont.



Montana Saddle Clubs Association

Cathryn Steen Little Falls Saddle Club - St. Falls
 " " " " " "

Donald Peters

Bill Edwards

Thomas Suenkel

Irene Gillen

Gil Gillen

Bob Becker

Bell Willow Riders Belgrad Mt

Lorraine J. Becker

Bell Willow Riders

Willow Creek

War Sifford

Little Falls Saddle Club

Great Falls

Ronda Toren

Great Falls Saddle Club

Great Falls

Wade Toren

Prairie Riders Saddle Club

St. Falls

JoAnne Kettick

Big Sky Saddle Club

Lolo

Broncia Rudick

Mang Valley Saddle Club

Missoula

Lucie Sherry

Mang Valley Saddle Club, Missoula

Richard & Miller

Billings Saddle Club

Billings

Ted Wood Jr.

Helena Valley Blues SC

Helena

Troy T. Keler

Sun River Valley SC

Sun River

D. Keler

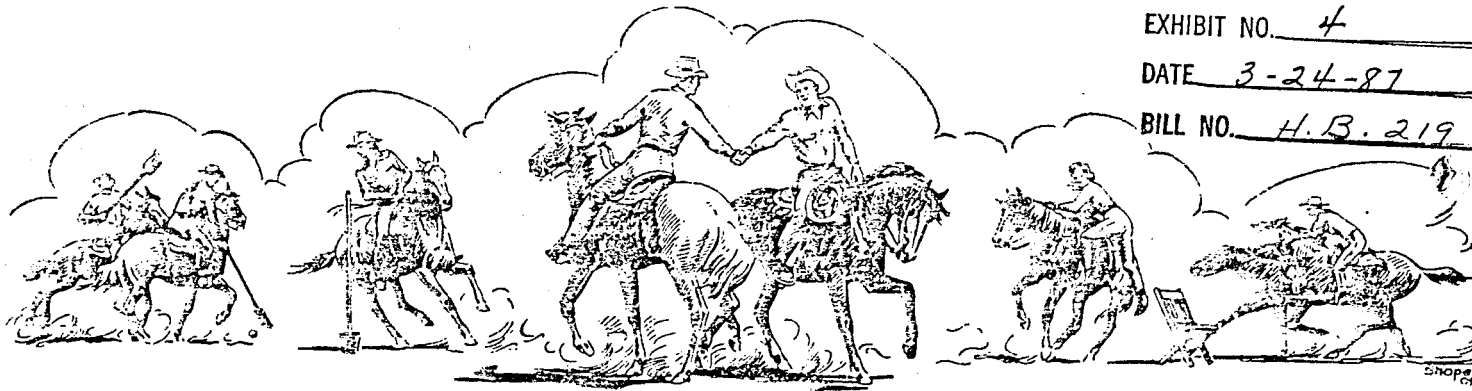
Sun River Valley SC

Sun River

[Signature]

Big Sky Riders SC

Great Falls



Montana Saddle Clubs Association.

Bob Bernier Little Falls Saddle Club Great Falls Mont.

Jean Bernier " " " " " " "

Frank Saffel " " " " " " "

Mari Clapham Big Sky Saddle Club Stevensville Mt.

Gene Maoney Big Sky Riders Great Falls, MT

Ruth Eaton ex Early Riders Lake Co. Club
Leavitt

Bill Short Helena Valley Blues Helena

Mildred Mill Billings Saddle Club Billings

Leith Herring Helena Trail Riders Helena

Ted Wood Sr. Helena Valley Blues Helena

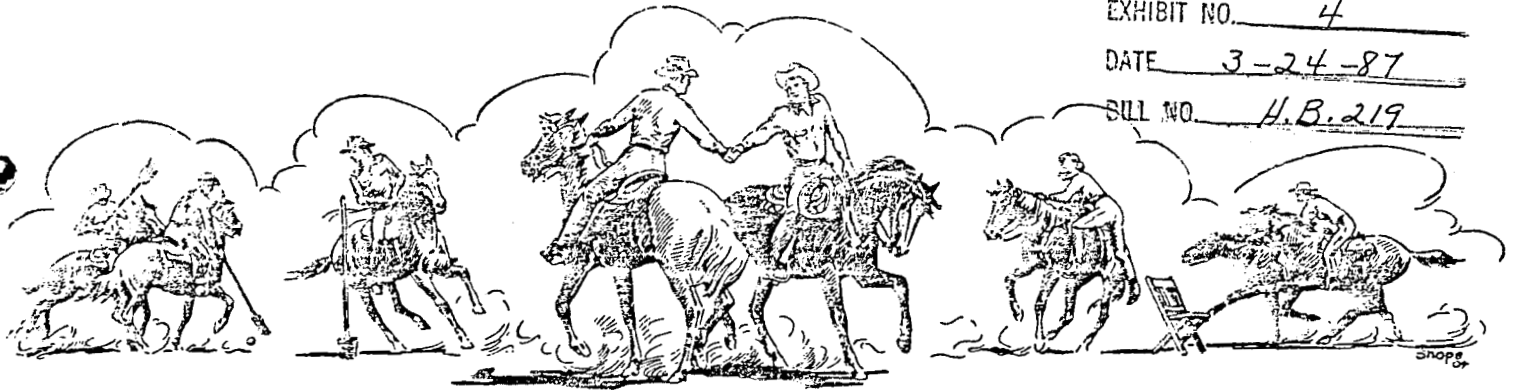
Opal J. Harrison - BIG SKY SADDLE CLUB — MISSOULA

Dee Harrison Big Sky Saddle Club Missoula

Jim Busch Prairie Riders Saddle Club Great Falls

Karen Constock Billings Saddle Club Billings

Jim Mill Billings Mounted Gaieties



Montana Saddle Clubs Association.

HELENA VALLEY RIDERS, HELENA, MT.

Pam Wood

Audrey Moffet
 Chittard Moffet
 Gretta Reed

Billings Saddle Club - Billings, Mont.
 " " " Billings, Mont.

Tobacco Valley Ridge Riders
 Eureka, Mt.

Bruce Nelson

Western Division Saddle Club - Columbia Falls, Mt.

William H. Armstrong
 Jean Armstrong

Home Hoofbeats
 Home Hoofbeats - Home, Mt.

COMMITTEE ON

DATE

MARCH 24, 1987

SENATE JUDICIARY

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Keith Herrin	Mont. Saddle Clubs	HB 219	✓	
Shirley Clark	Mont. High School Rodeo Assoc.	HB 219	✓	
Jessie Graham	Pro Rodeo Cowboys Assn	✓	✓	
Judy Wagner	MRA & Rodeo Mfrs. Assn	HB 219	✓	
BOB BURNS	Insurance	HB 219	✓	
Lion Hahn	LEC. Co. Wood Dist	HB 478	✓	
T. H. Ellis	MWDH	HB 256	✓	
R. H. Kennedy	Helena Valley Irrig. Dist	HB 146	✓	
J. B. Brown	MWDH	HB 236	✓	
East Bench Unit	HB 236	✓		
Ernest Blenker & Young Jr.	MWDH	HB 256	✓	
Bill Mabe	Back Trail Riders	HB 219	✓	
Debi Branner	Back Country Horsemen	HB 219	✓	
Kay Nambrey	MT Assn of Conservation Dist	HB 478	✓	
Andrew Billingsley	WIFE	HB 478	✓	
Jack Billingsley	Youth Rodeo Assn	HB 219	✓	
Lorna Travis	Youth Rodeo Assn	HB 219	✓	
Dean Hall	MT. Farm Bureau	HB 286	✓	
DON PLOTTE	Bidling Banker	HB 146	✓	
Jim Dyer	SELF	HB 256	✓	
Pilly Hughes	SELF			
Steve Downing	Lewis & Clark Farming	HB 219	✓	
Pat Grant	Lewis & Clark	HB 219	✓	
Al Zwick	Powell, M. Rodeo Assn	HB 219	✓	
Keith Davis	High School	HB 146	✓	
Naval Parker	Greenfield Inn	HB 246	✓	
James Cause	MT. Stockgrowers	HB 146	✓	
	MT. Little Horn	HB 219	✓	
	Chenfeld Irrig. Dist.	HB 256	✓	

(Please leave prepared statement with committee)

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

March 26, 1987

The fifty-third meeting of the Senate Judiciary Committee was called to order at 10:00 a.m. on March 26, 1987 by Vice Chairman Bruce Crippen in Room 325 of the Capitol Building.

ROLL CALL: All members were present, except Senator Mazurek, who was presenting another bill in another committee.

CONSIDERATION OF HB 737: Representative Dave Brown, House District #71, introduced HB 737, which allows a professional person at Montana State Hospital to file a petition to extend a patient's stay at the hospital either six months or one year. He said presently the law is silent as to which county has jurisdiction, however, the practice is to have it in Deer Lodge County. He stated the bill makes the current practice the law. He said there is no effect on the hospital or their budget because, presently, this is the way they have been handling this problem. He said one concern is it might cost additional money if there is no change in the law for travel and expenses of the state officials from Montana State Hospital to the counties' jurisdictions.

PROPOSERS: Curt Chisholm, Department of Institutions, testified the bill was introduced at the department's request. He said monthly they recommit between 6 and 12 patients. He said Judge Boyd holds court on the campus of Montana State Hospital because he prefers to do it that way. Mr. Chisholm said the hospital recognizes that his court has venue over these patients when it becomes necessary to recommit them for additional time besides the 90 days commitment period rendered by the court of jurisdiction. He said this bill will clarify that Deer Lodge County has jurisdiction over these patients.

Steve Waldron, Mental Health Centers, stated that it doesn't make sense to require that a professional person from the State Hospital has to testify on a case out of the county's jurisdiction because it takes up additional staff time.

OPPOSERS: None

DISCUSSION ON HB 737: Senator Crippen asked if the court records from other counties have to be transferred to the court in Deer Lodge. Mr. Chisholm answered that the committing court always sends the court order and all the supporting testimony to Deer Lodge.

Representative Brown closed.

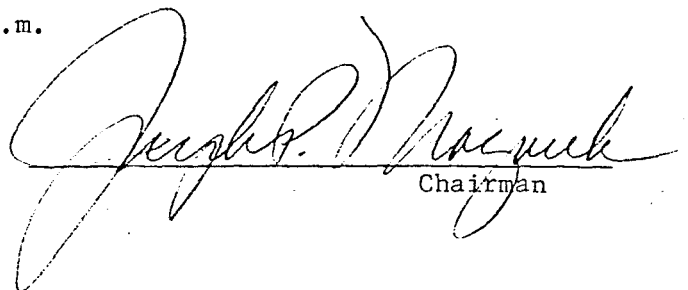
Judiciary Committee
Minutes of the meeting
March 26, 1987
page 11

records. Senator Halligan moved the amendments. The motion carried. Senator Blaylock moved the bill AS AMENDED BE CONCURRED IN. The motion carried.

ACTION ON HB 554: Valencia gave the committee amendments (see Exhibit 9). She said these amendments to the bill make sure the county is reimbursed. Senator Blaylock moved the amendments. The motion carried. Senator Halligan asked if newspapers really did pay people for a story. Senator Mazurek informed the committee that the National Inquirer was willing to pay \$20,000 for a picture of actor Patrick Duffy and his deceased parents. Senator Blaylock moved the bill AS AMENDED BE CONCURRED IN. Senator Beck asked if the bill had some constitutional problems. Senator Mazurek answered it should not have any constitutional problems. The motion carried with Senator Crippen and Senator Beck voting no.

ACTION ON HB 219: Valencia gave the committee the amendments they asked for (see Exhibit 10). Valencia explained the amendments now covered "trail riding events". Senator Mazurek said it still just contains nonprofit groups. Valencia explained the original bill had events in the fair grounds covered, then the bill had additions in the House, which included events in the "back country". Senator Yellowtail felt the amendments presented today expanded the bill too far. Senator Halligan moved the amendments. The motion carried with Senators Yellowtail and Blaylock voting no. Senator Beck felt that profit making groups should be included such as "jackpot roping" events. Senator Beck moved that the "nonprofit corporation" part be eliminated from the bill. Senator Yellowtail stated that taking that part out will cause the outfitters and the hunting guides of the state to be protected under this proposed amendment of Senator Beck's. He felt this was going too far with the liability issue. The motion failed with Senators Beck, Crippen, Pinsoneault, and Brown voting yes. Senator Beck moved the bill AS AMENDED BE CONCURRED IN. The motion carried unanimously.

The committee adjourned at 12:15 p.m.


Chairman

ROLL CALL

Judiciary

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March

NAME	PRESENT	ABSENT	EXCUSED
<u>Senator Joe Mazurek, Chairman</u>			X
<u>Senator Bruce Crippen, Vice Chairman</u>	X		
<u>Senator Tom Beck</u>	X		
<u>Senator Al Bishop</u>	X		
<u>Senator Chet Blaylock</u>	X		
<u>Senator Bob Brown</u>	X		
<u>Senator Jack Galt</u>	X		
<u>Senator Mike Halligan</u>	X		
<u>Senator Dick Pinsoneault</u>	X		
<u>Senator Bill Yellowtail</u>	X		

Each day attach to minutes.

Amendments to House Bill 219

Third Reading Copy (blue)

1. Title, line 7.
Strike: "O-MOC-SEE"
Insert: "O-MOK-SEE"
2. Title, line 8.
Following: "EVENTS"
Insert: "AND FOR NONPROFIT CORPORATIONS FORMED FOR AND
SPONSORING HORSERIDING EVENTS"
3. Page 1, line 15.
Strike: "an"
Insert: "a"
4. Page 1, line 16.
Strike: "O-MOC-SEE"
Insert: "O-MOK-SEE"
5. Page 1, line 22.
Following: line 21
Insert: "(2) No nonprofit corporation formed for the
purpose of conducting events involving horseback or
horse packing activities is liable for injuries
suffered by a participant in such an event as a result
of his voluntary participation in the event except for
injuries caused by a willful or wanton act of the
organization or its employees."
Renumber: subsequent subsection

STANDING COMMITTEE REPORT

March 26 19 87

MR. PRESIDENT

We, your committee on.....SENATE JUDICIARY.....

having had under consideration.....HOUSE BILL..... No. 219.....

Third reading copy (blue)
color

Limit civil liability of nonprofit organizations for rodeo injuries.
Holliday (Beck)

HOUSE BILL 219

Respectfully report as follows: That..... No.....

be amended as follows:

1. Title, line 7.

Strike: "O-MOC-SEE"

Insert: "O-MOK-SEE, TRAIL RIDING, HORSE PACKING, HORSE SHOW"

2. Page 1, line 15.

Strike: "an"

Insert: "a"

3. Page 1, line 16.

Strike: "O-MOC-SEE"

Insert: "o-mok-see, trail riding, horse packing, horse show"

~~XXXXXX~~
DO PASS

~~XXXXXXXXXX~~
DO NOT PASS AND AS AMENDED
BE CONCLUDED IN

Senator Nazarek

Chairman.

1 HOUSE BILL NO. 219

2 INTRODUCED BY HOLLIDAY, HANSON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT THE CIVIL
5 LIABILITY OF NONPROFIT ORGANIZATIONS AND THEIR EMPLOYEES FOR
6 INJURIES SUFFERED BY CONTESTANTS IN SPONSORED AMATEUR RODEO,
7 COWBOY POLO, CUTTING HORSE, O-MOC-SEE O-MOK-SEE, TRAIL
8 RIDING, HORSE PACKING, HORSE SHOW, AND JACKPOT ROPING
9 EVENTS; AMENDING SECTION 27-1-701, MCA; AND PROVIDING AN
10 IMMEDIATE APPLICABILITY AND EFFECTIVE DATE DATES."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 NEW SECTION. Section 1. Liability of nonprofit
14 organizations AND THEIR EMPLOYEES for injuries suffered in
15 sponsored amateur rodeo AND SIMILAR events. (1) No nonprofit
16 organization sponsoring an A amateur rodeo, COWBOY POLO,
17 CUTTING HORSE, O-MOC-SEE O-MOK-SEE, TRAIL RIDING, HORSE
18 PACKING, HORSE SHOW, OR JACKPOT ROPING EVENT, OR EMPLOYEE OF
19 THE ORGANIZATION, is liable for injuries suffered by a
20 contestant as a result of his voluntary participation in a
21 THE rodeo event except for injuries caused by a willful, OR
22 wanton, or reckless act of the sponsoring organization or
23 its employees.

24 (2) For purposes of this section, a minor is
25 considered to be in voluntary participation at a rodeo IN AN

1 event if:

2 (a) he has provided written consent to participate in
3 the rodeo event; and

4 (b) the consent is approved by one of the minor's
5 parents or by his legal guardian.

6 Section 2. Section 27-1-701, MCA, is amended to read:

7 "27-1-701. Liability for negligence as well as willful
8 acts. Everyone Except as otherwise provided by law, everyone
9 is responsible not only for the results of his willful acts
10 but also for an injury occasioned to another by his want of
11 ordinary care or skill in the management of his property or
12 person except so far as the latter has willfully or by want
13 of ordinary care brought the injury upon himself."

14 NEW SECTION. Section 3. Codification instruction.
15 Section 1 is intended to be codified as an integral part of
16 Title 27, chapter 1, part 7, and the provisions of Title 27,
17 chapter 1, part 7, apply to section 1.

18 ~~NEW-SECTION--Section-4--Saving-clause--This-act-does~~
19 ~~not-affect-rights-and-duties-that-matured--penalties--that~~
20 ~~were-incurred--or--proceedings--that-were-begun-before-the~~
21 ~~effective-date-of-this-act-~~

22 NEW SECTION. Section 4. Severability. If a part of
23 this act is invalid, all valid parts that are severable from
24 the invalid part remain in effect. If a part of this act is
25 invalid in one or more of its applications, the part remains

1 in effect in all valid applications that are severable from
2 the invalid applications.

3 NEW SECTION. Section 5. Effective date AND
4 APPLICABILITY DATES. This act is effective ~~on-passage-and~~
5 ~~approval~~ JUNE 1, 1987, AND APPLIES TO CLAIMS ACCRUING AFTER
6 JUNE 1, 1987.

-End-